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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,116	07/15/2003	Eric Horvitz	MS127735.2/MSFTP263USA	8638

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EXAMINER
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WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/620,116

Applicant(s)

HORVITZ, ERIC

Examiner

Isaac M. Woo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-39 is/are pending in the application.
- 4a) Of the above claim(s) 22-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Con. Sheet</u> | 6) <input type="checkbox"/> Other: _____  |

Continuation Attachment(s):

3), 05/17/2004, 05/20/2005, 04/29/2005, 11/07/2005, 01/12/2006

### **DETAILED ACTION**

1. This action is in response to Applicant's Election in response to the Election/Restriction requirement set forth in the June 28, 2006, filed on July 28, 2006.
2. Applicant elected Group I, claims 5-21 with traverse, filed on June 26, 2006. The applicant did not provide the ground(s) of the traversal. Thus, it is not found persuasive. Therefore, the requirement is still deem proper.
3. Claims 5-21 are presented for examination for this office action (Claims 22-39 are withdrawn).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 5-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Rice et al (U.S. Patent No. 6411,947, hereinafter "Rice").

With respect to claim 5, Rice teaches determining a priority of a received item (i.e., email message 11 in fig. 1) utilizing the trained classifier (i.e., step 110 in fig. 2A determines if the email is classifiable, and determines prioritizing at step 116b in fig. 2B, col. 9, lines 16-67 to col. 10, lines 1-50), the received item priority is utilized to facilitate electronic communication (col. 3, lines 3-42, col. 9, lines 16-67 to col. 10, lines 1-50).

With respect to claim 6, Rice teaches the classifier is at least one of a Bayesian classifier and a support-vector machine classifier (col. 16, lines 13-34).

With respect to claim 7, Rice teaches the classifier is explicitly classified (col. 16, lines 13-34).

With respect to claim 8, Rice teaches the explicit training is performed during initial phases of constructing the classifier (col. 16, lines 13-34).

With respect to claim 9, Rice teaches the predetermined data set employed for explicitly training the classifier comprises a training set to discriminate between time-critical and non-time-critical items (col. 9, lines 16-67 to col. 10, lines 1-50).

With respect to claim 10, Rice teaches utilizing feature selection (col. 9, lines 16-67 to col. 10, lines 1-50).

With respect to claim 11, Rice teaches mutual information analysis (col. 9, lines 16-67 to col. 10, lines 1-50).

With respect to claim 12, Rice teaches feature selection operates on single word (col. 4, lines 36-47).

With respect to claim 13, Rice teaches feature selection operates on phrases (col. 4, lines 36-47).

With respect to claim 14, Rice teaches feature selection operates on part of speech (col. 9, lines 16-67 to col. 10, lines 1-50).

With respect to claim 15, Rice teaches feature selection employs high-level patterns (col. 9, lines 16-67 to col. 10, lines 1-50).

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With respect to claim 16, Rice teaches feature selection utilizes token (col. 5, lines 5-64).

With respect to claim 17, Rice teaches feature selection utilizes tagged text to discriminate features of on item (col. 5, lines 5-64).

With respect to claim 18, Rice teaches wherein the classifier is implicitly trained (col. 5, lines 5-64).

With respect to claim 19, Rice teaches implicitly training the classifier by continually tracking user actions (col. 16, lines 13-33).

With respect to claim 20, Rice teaches implicitly training the classifier by assuming that time-critical items are reviewed prior to non-time-critical items (col. 9, lines 16-67 to col. 10, lines 1-50).


With respect to claim 21, Rice teaches continually updating the classifier via the implicit training (col. 9, lines 16-67 to col. 10, lines 1-50).

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M. Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Isaac Woo  
August 7, 2006